

UTILITIES DIVISION[199]

Adopted and Filed

Rule making related to the filing of documents and forms

The Utilities Board hereby amends Chapter 2, “Forms,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 17A.4, 474.5 and 476.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 474.5, 476.2 and 546.7.

Purpose and Summary

This rule making identifies and updates or eliminates rules that are outdated or inconsistent with statutes and other administrative rules.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 25, 2017, as **ARC 3417C**. On November 14, 2017, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, and the Iowa Communications Alliance (ICA) filed statements on the proposed amendments. OCA stated that it had no objection to the proposed amendments. ICA stated generally that it supports the Board’s efforts to modernize and streamline its rules, and specifically that it supports the proposed amendments to the rules in Chapter 2. No other person filed any statement or comment on the proposed amendments, and no person filed a request for an oral presentation. No changes from the Notice have been made. The Board order adopting the amendments can be accessed in the Board’s electronic filing system as RMU-2016-0030.

Adoption of Rule Making

This rule making was adopted by the Utilities Board on January 26, 2018.

Fiscal Impact

After analysis and review of this rule making, the Board concludes that the amendments will have no effect on the expenditure of public moneys within the state of Iowa.

Jobs Impact

After analysis and review of this rule making, the Board concludes that the amendments will not have a detrimental effect on employment in Iowa.

Waivers

Chapter-specific waiver provisions are unnecessary since any person may apply for waiver of any Board rule under 199—1.3(17A,474,476).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on March 21, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend rule 199—2.1(17A,474) as follows:

199—2.1(17A,474) Forms—general Documents filed with the utilities board. Documents shall be filed with the board in compliance with the provisions of 199—Chapter 14. Documents filed with the board shall be double spaced, except that long quotations may be single spaced and indented. All documents, except exhibits, shall be formatted so as not to exceed 8½ inches by 11 inches in size with inside margins not less than 1 inch in width. Whenever practical, all exhibits of a documentary character should conform to the foregoing requirements of size and margin. Documents should contain the name and address of the filing party and, if the filing party is represented by an attorney, the name and office address of such attorney. The board may reject a document which does not substantially conform with the foregoing requirements, with a statement of reasons for such rejection. The board may, if it deems appropriate, prescribe different or additional requirements for documents to be filed in a particular proceeding.

2.1(1) Purpose and scope. These rules shall govern all forms prescribed by the Iowa utilities board (hereinafter referred to as board) for use in all proceedings before the board, provided however, that the board may prescribe additional or different forms to be utilized in a specific case as necessary.

2.1(2) Forms compliance. All papers filed with the board shall substantially conform with the requirements set forth below. The board, without prejudice to any party to a proceeding, may reject a paper which does not substantially conform with the requirements of this chapter, giving a statement of reasons for the rejection.

2.1(3) General requirements. Documents filed with the board shall be printed, typewritten, or otherwise mechanically reproduced and double spaced, except that long quotations may be single spaced and indented. All papers, except exhibits, shall be cut or folded so as not to exceed 8½ inches by 11 inches in size with inside margins not less than 1 inch in width. Whenever practical, all exhibits of a documentary character should conform to the foregoing requirements of size and margin. Papers should contain the name and address of the party filing the paper and, if represented by an attorney, the name and office address of such attorney. Except as otherwise provided in these rules, the original of all papers and exhibits should be filed with the board. The person filing the paper or exhibit shall also furnish additional copies for each respondent or party to be served by the board and such other copies as the board may request.

This rule is intended to implement Iowa Code section 474.5.

ITEM 2. Rescind rule 199—2.2(17A,474) and adopt the following **new** rule in lieu thereof:

199—2.2(17A,474) Forms. The board has made available on its Web site, iub.iowa.gov, sample forms of documents routinely filed with the board for various purposes. Except to the extent expressly provided by statute or board rule, the use of any such form is not mandatory, and the forms are intended only as examples. To the extent that any statute or board rule prescribes the content of a document, that provision shall govern notwithstanding any sample form. Subject to any such content requirement established by statute or rule, the board may, if it deems appropriate, prescribe specific content requirements for documents to be filed in a particular proceeding.

ITEM 3. Rescind and reserve rule **199—2.4(17A,474)**.

[Filed 1/26/18, effective 3/21/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/14/18.